

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT VEDEROFF,

Defendant.

NO. CR16-325 RSL

**GOVERNMENT'S MEMORANDUM  
ON RESENTENCING**

Robert Vederoff comes before the Court for resentencing after the United States Court of Appeals for the Ninth Circuit held that his prior convictions for Murder in the Second Degree and Assault in the Second Degree (with a Deadly Weapon) were not "crimes of violence" under the Sentencing Guidelines.

As this Court knows, 18 U.S.C. § 3553(a) requires a sentencing judge to consider, in addition to the sentencing guideline range: (1) the nature and circumstances of the offense; (2) the history and characteristics of the defendant; (3) the need for the sentence to reflect the seriousness of the offense, promote respect for the law, and provide just punishment; (4) the need to afford adequate deterrence; (5) the need to protect the public; (6) the need for rehabilitation; and (7) the kinds of sentences available. In consideration of those factors, specifically a balance of the seriousness of the offense and Mr. Vederoff's criminal history against his positive strides toward rehabilitation, the United

1 States recommends a sentence of 42 months' imprisonment followed by three years of  
2 supervised release.

3 This Court previously balanced the § 3553(a) factors in this case and determined  
4 that "the right sentence is a five-year prison term," which the Court imposed as "either a  
5 departure downward from a range that's too high or a departure upward from a range  
6 that's too low." (Dkt. 31 at pp. 22-23.) One of the significant factors that the Court  
7 considered was the nature of Mr. Vederoff's criminal history. Regardless of whether  
8 murder and assault with a deadly weapon are categorically considered "crimes of  
9 violence" under the Sentencing Guidelines, it is generally more serious for a person to  
10 unlawfully possess a firearm after having been convicted of a violent crime. In those  
11 circumstances, the risk that the firearm will be used to commit another violent crime is  
12 higher, meaning that the danger to the public is more acute.<sup>1</sup>

13 The seriousness of Mr. Vederoff's criminal history and risk of recidivism  
14 notwithstanding, it is also appropriate for the Court to consider his post-conviction  
15 rehabilitation, as described in Probation's Recommendations for Resentencing. *Pepper v.*  
16 *United States*, 562 U.S. 476, 490 (2011). Based on the information provided, Mr.  
17 Vederoff's positive behavior and proactive efforts to avail himself of programming while  
18 incarcerated appear to exceed that of other defendants who would otherwise be  
19 considered similarly situated.

20 //

21 //

22 //

23 //

24 //

25

---

26 <sup>1</sup> United States Sentencing Commission: Recidivism Among Federal Violent Offenders (finding that "violent  
27 offenders generally recidivate more quickly and at a higher rate compared to most other offenders") (available at:  
28 [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2019/20190124\\_Recidivism\\_Violence.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2019/20190124_Recidivism_Violence.pdf)).

1 For the foregoing reasons, the United States respectfully asks the Court to  
2 sentence Mr. Vederoff to 42 months in custody, followed by three (3) years of supervised  
3 release.  
4

5 DATED this 13<sup>th</sup> day of June, 2019.

6 Respectfully submitted,

7 BRIAN T. MORAN  
8 United States Attorney

9 s/ Jessica M. Manca

10 JESSICA M. MANCA  
11 Assistant United States Attorney  
12 United States Attorney's Office  
13 700 Stewart Street, Suite 5220  
14 Seattle, Washington 98101  
15 Phone: 206-553-4397  
16 Email: [Jessica.Manca@usdoj.gov](mailto:Jessica.Manca@usdoj.gov)  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on June 13, 2019, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the attorney of record for the defendant.

s/ Jessica M. Manca

JESSICA M. MANCA

Assistant United States Attorney

United States Attorney's Office

700 Stewart Street, Suite 5220

Seattle, Washington 98101

Phone: 206-553-4397

Email: [Jessica.Manca@usdoj.gov](mailto:Jessica.Manca@usdoj.gov)